

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 30 2015

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERRANCE EARL HORTON,

Defendant - Appellant.

No. 14-10272

D.C. No. 4:13-cr-00105-CW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Claudia Wilken, District Judge, Presiding

Submitted April 22, 2015**

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

Terrance Earl Horton appeals from the district court's judgment and challenges the 46-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Horton contends that his sentence is substantively unreasonable in light of his mitigating circumstances, and because the government's delay in prosecuting him until after he was sentenced in state court increased his criminal history score and precluded him from requesting that the state court run his state and federal sentences concurrently. The district court did not abuse its discretion in imposing Horton's sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The low-end sentence is substantively reasonable in light of the 18 U.S.C. § 3553(a) sentencing factors and the totality of the circumstances, including Horton's violent criminal history. *See Gall*, 552 U.S. at 51.

AFFIRMED.